THE IMPEACHMENT TRIAL.

THE COURT TO ASSEMBLE AT ELEVEN-MANA-GER BUTLER'S TABLES-THE SWINGING-ROUND-THE-CIRCLE HARANGUES-A LITTLE PLEASANTRY—SECRETARY WELLES ON THE STAND—WHEN AND WHY HIS EXCELLENCY SENT FOR GEN. EMORY.

BY TELEGRAPH TO THE TRIBUNE.

· Washington, Friday, April 17, 1868. The interest in the Court of Impeachment to-day centered in the introduction of the Cabinet officers as witnesses. Secretaries Welles, Seward, McCulloch, Browning, and Randall were on the floor all day, expecting every moment to be called to the stand. Secretary Seward took a seat next to Mr. Chandler, and seemed engaged in friendly converse with that gentleman all day. Mr. Randall circulated among the members pretty generally, and was manifestly on good terms with all. The venerable Secretary of the Navy concealed himself in a shady recess until he heard his name called by the Sergeant-at-

The first business of the Court was the adoption of the order which was offered by Mr. Conness yesterday, that the Court meet at 11 o'clock daily hereafter. This was carried-29 to 14-after an amendment to meet at 10 a. m. and sit until 6 p. m. had been voted down. Senator Ferry then offered an order reciting that, whereas, there appeared in The Globe to-day, as part of the speech of Manager Butler yesterday, certain tabular statements which were not read in the speech, therefore these tables be stricken out of the official report. Mr. Butler was making an explanation, when he was interrupted by Senator Hendricks, who asked whether it was in order for an honorable Manager to make such an attack upon the Secretary of the Treasury as these tables contained, when the Secretary had no one here to defend him. Senator Anthony proposed to obviate this difficulty by moving that Mr. Hendricks have leave to defend the Secretary, who is a citizen of his (Hendrick's) State; but to this proposal Mr. Edmunds offered objection. Mr. Ferry's order was adopted without any objection from either side of the Chamber.

The first witness called was Mr. W. W. Armstrong of The Cleveland Plaindealer. The defense attempted to prove by him that the crowd at Cleveland contly interrupted the President in his speech; that many disorderly persons were in the throng, etc. Next, Mr. Barton Able of St. Louis testified, in relation to the St. Louis speech, that the President at first declined to speak, but at length yielded to preseing invitations, and appeared on the balcony of the Southern Hotel; he was frequently interrupted by the crowd, among whom were many of his political enemies. Mr. S. Knapp, one of the publishers of The St. Louis Republican, substantially corroborated the previous witness's testimony relative to the President's intentions, his refusal at first to make a speech, and his final acquiescence in the urgent request of friends to appear. Mr. Knapp was sharply cross-examined by Gen. Butler, but he answered every question very promptly, and proved much the best witness for the deon the particular point upon which he was examined. A Mr. Zeider, who reported the St. Louis speech for The Republican, was next examined. The lefense attempted to show by him that the speech, as presented by the prosecution, was much more dis graceful than as delivered; but in this they failed A comparison of the two reports disclosed only trifling differences, not in the least altering the sense of any sentence. This witness was inclined to be inselent to Manager Butler, but was taken in hand and handsomely subdued in an early stage of his testimony. He was very curt and smart-indeed, saucy for a time, and vitlated his standing as a witness by intrusively manifesting his political bias and seeming a too willing defender of Mr. Johnson. After he had made two or three impertinent replies to Manager Butler, the General handled him with severity, and several times turned the laugh on him. This closes the inquiries concerning the "circle" speeches.

The President's counsel next introduced another installment of documentary evidence in regard to the form of appointments, and called Frederick W. Seward to the stand, to make known the practice of the State Department in the appointments of consuls and diplomatic officers. This gentleman's testimony did not seem to be regarded by either the Managers or the Court as very important. The Managers admitted it, reserving the right however, to object to bertain portions of it, if they should prove, on in-

vestigation, to be irrelevant.

At a little before 2 o'clock Judge Curtis created a buzz of excitement on the floor and in the galleries by asking the Sergeant-at-Arms to call Secretary Welles. Prompt to the call, the old gentleman appeared at the stand, and stood straight as a ramrod while he took the oath. The Ancient Mariner was forewarned by the counsel that he must elevate his voice a little if he desired to be heard. Profiting by this admonition, he gave the Scuate no occasion for ories of "Louder," with which so many witnesses in this trial have been interrupted. He was first interrogated upon the date of his commission as Secretary of the Nuvy. He replied that it was March, 1861. He had been in the Cabinet ever since, but had not been reappointed. He then detailed the occurrences which induced the President to send for Gen. Emory on the 22d of February. His (Welles's) son was at a ball on the 21st, and there learned something of certain movements of troops in the vicinity of Washington. When Welles, senior, learned this news, he thought it expedient instantly to communicate it to the President. He told the President on the 22d, and thereupon Gen, Emory was summoned to the White House to explain these military movements. He sent his son over on the night of the 21st to tell the President what he had heard, but it was too late to see that functionary. Secretary Welles called on the President the next day, the 22d, at noon. At this point, Gen. Butler questioned Mr. Welles critically as to the exact time, and the Secretary was postive that it was 12 meridian on the 22d. Gen. Butler then produced Gen. Emory's testimony, showing that the President sent for him at 10 o'clock the same mornbounsel wished to make, namely: that Mr. Johnson out for Gen. Emory on Mr. Welles's report about the troops. Judge Curtis then asked the Secretary what took place in the Cabinet touching the removal of Secretary Stanton; but Gen. Butler pricked sup his ears at this, and entered a very decided objection. The Chief-Justice was very clearly of the opinion that the question was admissible, but Senator Drake demanded the Yeas and Nays. The Court sustained the Chief-Jus-

temporarily absent, and did not vote. The result was regarded as favorable to the President's cause. Mr. Welles having been instructed to proceed, testified that the Cabinet was unanimous in concurring in the removal of Secretary Stanton, and the appointment of Adj.-Gen. Thomas. This encouraged the President's counsel to develop other Cabinet consultations, and Judge Curtis was very soon asking Mr. Welles to make known the occurrences at the Cabinet meetings during the ten days, when the President had the Tenure-of-Office law in his possession. Gen. Butler very strenuously objected to the introduction of such testimony as this, and cited English and American authority against the theory that a President can justify himself behind the advice of his Cabinet in an itlegal act. Mr. Evarts replied at some length, and just when it was thought that a decision was to be reached, Mr. Conness, at the request of the Man-agers, moved an adjournment, which was carried. He made the motion because the pending question was one which the Managers desired to argue at considerable length. So, at 4:45 the court adjourned to meet at 11 o'clock to-morrow.

tice by 26 to 23. During the roll-call each side did its best to muster its full strength from the lobbies and cloak rooms. Messrs. Chandler and Nye were

THE TRIAL.

The Court was opened in due form, and the reading of the Journal was omitted. The CHIEF-JUS-TICE stated the first business in order to be the motion which Mr. Couness offered yesterday, that hereafter the Senate, sitting as a Court of Impeachment, shall meet at 10 octock a. m., to which Mr. Sumner had offered the folowing amendment:

lowing amendment:

That, considering the public interest would suffer from the delay this irisk, and in pursuance of the order already to proceed with all con

ment dispatch, the Senate will sit from 10 o'clock in the forencon until 6 o'clock in the afternoon, with such brief recess as may be ordered. The amendment was lost, as follows

	1	EKAR.	The same of the last
Chandler,	Corbett,	Pameroy,	Thaver.
Cameron,	Harian,	Ramsey.	Tipton,
Cole.	Morrill (Me.),	Stewart,	Yates-12.
		HATS.	
Anthony,	Pessenden.	Morgau,	Sherman,
Cattell,	Fowler,	Morrill (Vt.),	Trumbell,
Conness.	Frelinghuysen,	Morton.	Van Winkle,
Davis.	Grimes,	Patterson (Ter	an), Vickers,
Dixon.	Hendricks.	Patterson (N. 1	L). Willey.
Doolittle.	Howard,	Ross.	Williams,
Drake,	Howe.	Sanisbury,	Wilson-30.
Ferry.	Johnson,	CAMPBELLY ST	THE PARTY OF THE P
The orde	r which had be		y Mr. CONNE
was adopt	ed by the follows	ng vote:	
STATE OF STREET		YEAR.	
Cameron	Drake.	Morrill (Me.).	Summer,

Ferry, Frelinghuysen Harlan, Howard, Howe,

Patterson (Tenn), Trumbull, Ross, Saulsbury, Vickers-13. Mr. FERRY offered the following order: Frank Park appears in the proceedings of the Senat reas. There appears in the proceedings of the Senat rank of the Globe of this morning, certain tabular statements intend in the remarks of Mr. Manager Butler upon the question of ament, which tabular statements were neither spoken in discassing the statement of the proceedings of the trial, which statements be omitted from the proceedings of the trial,

abular statements be omitted from the proceedings of the trial, dished in the proceedings of the Senate.

BUTLER—I only desire to say that I stated the t of the tabular statements to the Senate, and I did end them at length because it would take too much emeet of the tability streams the second of the tability second time.

Mr. HENDRICKS—I rise to a question of order and propriety. I wish to know whether it be right for any Senator to defend the Secretary of the Treasury against the attacks here made, or whether our mouths are closed while these attacks are made; and if not proper and right for a Senator, whether it is the right of the Managers to make the attack upon him.

The CHIEF-JUSTICE—An amendment can be made to the resolution proposed by the Senator from Connecticut (Mr. Ferry). If the Senator thinks it proper, the Senato can retire for consultation. If no Senator makes that motion the Chair thinks it proper that the honorable Manager should be heard in expinantion.

Mr. BUTLER—I wish to say that I did not read them because I thought them voluminous. I had them in my hand, and I made them a part of my argument. I read the conclusions and inferences to be drawn from them, and thought it was due to myself and to the Senate that they should be put exactly as they were, and I therefore incorporated them in The Globe. To the remarks of the honorable Senator (Hendricks) I simply say I made no attack upon the Secretary of the Treasury. I said nothing of him. I did not know that he was here at all to be dis-

konorable Senator (Hendricks) I simply say I made no attack upon the Secretary of the Treasury. I said nothing of him. I did not know that he was here at all to be discussed; but I dealt with the acts as the acts of the Executive simply. Whenever called upon I can show the reason why I dealt with that act.

The CHIEF_JUSTICE stated the question.

Mr. ANTHONY—I understood the Senator from Indiana (Hendricks) to ask if under the rules he could be permitted to make a defense of the Secretary of the Treasury?

Treasury !
The CHIEF-JUSTICE—The rules positively prohibit de-Mr. ANTHONY-By unanimous consent it might be

made.

A Senator objected. The order was then adopted with but few dissenting voices.

MR. WM. W. ARMSTRONG'S TESTIMONT.

Wm. W. Armstrong was sworn and examined by Mr. CURTIS:

G. Where do you reside! A. A. Cleveland, Ohio. Senator DRAKE called the attention of the Chief-Justice to the impossibilly, on his side of the Chamber, of hearing the witness.

Mr. EVARTS instead that the witness might be heard if the Schate would enforce silence.

Mr. EVARUS funted that the charton has selected by solid enforce silence.
The CHIEF-JUSTICE remarked that conversation near the Senators must be stopped.
Q. What is your occupation or business? A. I am one of the editors and proprietors of The Cleveland Plain-

dealer.

Q. Were you at Cleveland at the time of the visit made to that city by President Johnson in the Summer of 1866 f.

A. I was.

Q. Were you present at the formal reception of the President by any committee or body of men f. A. I was.

Q. State by whom he was received, and where f. A. The President and his party arrived about \$\frac{1}{2}\$ o'clock in the

Q. State by whom he was received, and where? A. The President and his party arrived about #4 o'clock in the evening, and were escorted to the Kennard House. After taking his supper, the President was escorted on to the baicony of the Kennard House, and there he was formally welcomed to the City of Cleveland, in behalf of the municipal authorities and citizens, by the President of the City County.

picipal authorities and citizens, by the President of the City Council.

(a) Did the President respond to that address of welcome? A. He did.

(b) What was the situation of that balogny in reference to the street—in reference to its exposure? State, also, whether there was not a large crowd of persons present? A. There was a very large crowd of persons present; there was a crowd on the balcony.

(c) How did it proceed? A. After the President had begun to respond, for a few moments there was no interruptions, and I judged from what the President said that he intended—

Mr. BUTLER—Excuse me; stop a moment. I object to what the witness supposes was the President's intentions. Mr. CURTIS to the witness—From what you heard and saw, was the President in the act of making a continuous address to the assembly, or was he interrupted by the crowd? Describe how the shair proceeded. A. The President commenced his speech by saying he did not intend to make a speech. I think, to the best of my readisector, he had easy there simply to make the sequentiance of the people and hid them scad-by. I think that was the substance of the first paragraph of his speech. He spologized for the hon-appearance of Geu. Grant, and then proceeded with his speech.

Q. How did he proceed? Was it a part of his address, or was it in response to the calls made upon him by the people? Describe. A. I did not hear all the speech.

Q. Did you hear calls made upon him from the crowd and interruptions? A. I did—quite a number of them.

Q. From what you saw and heard the President say, and from all that occurred, was the President closing his remarks at the time these interruptions began? A. That

remarks at the time these interruptions began? A. That I cannot say.

Q. Can you say whether the interruptions and calls upon the President were responded to by his remarks?

A. Some of them were.

Q. Were the interruptions kept up during the continuance of the address, or was he allowed to proceed without interruptions? A. They were kept up very nearly to the conclusion of the President's speech.

Q. What was the character of the crowd, orderly or disorderly? A. The large majority of the crowd was orderly; as to the rest, there was a good deal of disorder. Was that disorder confined to one or two persons, or

Q. Was that disorder confined to one of the interruptions of the interruptions of the interruptions of the interruptions of the interruptions.

Q. That is not what I asked you. I asked you if there were enough to give general character to the inter-

were engaged in the interroptons.

Q. That is not what I asked you. I asked you if there were enough to give general character to the interreptions.

Cross-examination by Mr. BUTLER.

Q. Was Mr. F. W. Pelton, President of the City Council, present? A. I believe so.

Q. Was not his address on the balcony to the President simply in the hearing of those on the balcony, and did not the President, after he received that welcome, then step forward to address the multitude! A. I believe that after Mr. Pelton's address several of the distinguished gentlemen who accompanied the party were presented, and then, in response to the calls of the people, the President presented himself.

Q. Would you say that this was a correct or an incorrect report: "At about 10 o'clock, the supper being over, the party retired to the balcony, where the President was formally welcomed by Mr. J. W. Pelton, President of the City Council, as follows: etc." Would that he about the substance! What would be about the substance!

Mr. BUTLER continued to read:

"Then the President and several members of the party appeared at the front of the balcony, and were introduced to the people. Then the vast multitude which filled the siveris became most belsterous, and sometimes bitter and sareastic."

Witness—I did not hear any interruptions to the President.

bitter and sareastic."
Witness—I did not hear any interruptions to the President's speech until after he had proceeded five or ten

Mr. BUTLER—But whenever they did come would that

dent's speech until after he had proceeded live of ten minutes.

Mr. BUTLER—But whenever they did come would that be a fair representation of them?

Witness—To some extent.

Mr. BUTLER, continuing to read: "They listened with attention a part of the time, and at other times completely drowned the President's voice with vociferations." Is that so?

Witness—That is 80.

Mr. BUTLER, continuing to read: "After the presentation was made, loud calls were made for the President to appear, and he spoke as follows:" I will read the first part of speech.

Frilow-Cirrians: It is not for the purpose of making a speech that I now appear before you. I am aware of the great curiosity which prevalls to see strangers who have notoriety and distinction in the country. I know a large number of you desire to see Gen. Grant and to hear what he heas to say. IA voice, three cheers for Grant?

Q. Was not that the first interruption A. I believe so.

Q. Was there any interruption after that until he spoke of Stephen A. Douglas, and was not that simply the interruption of appliance? A. There were three cheers given, I believe, for Stephen A. Douglas. Then he went on without interruption fintil this phrase came in. "I confe before You as an American citizen simply, and not as the Chief Magistrate clothed in the insignia and paraphernalia of state, being an inhabitant of a State in this Union. I know it has been said that I was an alien." Then came in laughter.

Q. Was not that the next interruption? A. I do not recellect that paragraph in his speech.

Q. Do you recollect any other interruption until he came to the paragraph.—There was, two years ago, a ticket before you for the Presidency. I was placed upon that ticket with a distinguished citizen, now no more." (Yolces) "Its a pity!" "Too bad!" "Unfortunate!" A. I did not hear those words.

Q. Do you know whether these words were or were not said? A. I do not know.

Mr. BUTLER—I will not trouble you any further.

MR. Babron Abel sworn, and examined by Mr. CURTIS.

Q. Do you know whether these words were or were not said ! A. I do not know.

Mr. BUTLER—I will not trouble you any further.

MR. BARTON ABEL'S TESTIMONY.

Barton Abel sworn, and examined by Mr. CURTIS.

Q. Where do you reside! A. In St. Louis.

Q. What is your occupation! A. I am engaged in mercantile business, and am Collector of Internal Revenue for the 1st District of Missour!.

Q. Were you in St. Louis in the Summer of 1866, at the time President Johnson visited that city! A. Yes, Sir.

Q. Were you on any committee connected with the reception of the President! A. I was on the Committee of Reception—the Merchants' Union Committee.

Q. Where did the reception take place! A. Citizens of St. Louis met the President's party at Alton, Illinois, some it miles above St. Louis; the Mayor, I recollect, received him at the Lindell Hotel in St. Louis.

Q. You speak of being on a committee of some Mercantile Association; what was that Association! A. It was composed of the merchants—the business men of the city.

Q. Not a political association! A. No, Sir.

Q. Did the President make a public address, or an address to the people of St. Louis, while he was there! A. He made a speech in the evening to the citizens at the Southern Hotel.

Q. Were you present at the hotel before the speech was made! A. Yes, Sir.

Q. Please state under what circumstances the President was called upon to speak? A. I was in one of the parlors of the hotel with the Committee of which you have spoken!

A. Yes, Sir.

Q. Please state under what circumstances the President was called upon to speak? A. I was in one of the parlors of the hotel with the Committee and the President, when some of the citizens came in and asked him to go out and respond to the calls of the citizens; he declined, or rather such as the did not care to make any speech; the same thing was repeated two or three times by other citizens who came in, and he finally said that he was in the hands of his friends, the Committee; if they and so, he would go out and respond to the ca

sultation, that they presumed he might as well do it, as there was a large crowd outside in front of the hotel.

Q. Did the President say anything before he went out as to whether he wanted to make a long speech or a short speech, or anything to characterize the speech which he proposed to make A. My understanding was that he did not care to make any speech at all.

Mr. CURTIS—You have already explained that he manifested reluciance; now, if he said anything as to his purpose in going out, I should like to have you state it?

Witness—I understood from his acceptance that his intention was to make a short speech when he went out.

Q. Did you, or not, hear what he said, or were you in a position so that you could hear what he said? A. I heard his conversation with the committee.

Q. I mean after he went out? A. I heard very little of it.

Q. Was it a large crowd or a small one! A. A large

Q. Was it a large crowd or a small one! A. A large crowd.

Q. Were you present far enough on the balcony to be able to state what the demeanor of the crowd was toward the President; A. I heard from the inside; I was not on the balcony of the hotel at all; but I heard from the parters one or two interpretions. lors one or two interruptions.

Q. You remained in the pariors nearly all the time !

A. Between the parior and the dining-room; I was not on

A. Between the parior and the dining-room, I was not on
the balcony.

Cross-examined by Mr. BUTLER.

Q. You met the President at Alton, and you, yourself,
as one of the committee, made him an address on board
the steamer where you received him? A. I introduced
him to the Committee of Reception from St. Louis.

Q. That was made on board the steamer? A. Yes, Sir.
Q. Then Capt. Eades, who was Chairman of the Committee, made him an address of welcome? A. Yes, Sir.
Q. And after that the President made a response? A.
Yes, Sir.

Q. And after that the President made a response? At Yes, Sir.
Q. And in that address, he was listened to with particular attention, as became his place as President? A. I observed nothing to the contrary.
Q. Then you went to the Lindell Hotel? A. I did not go to the Lindell Hotel.
Q. Well, the President went? A. I think the carriage of the President went to the Lindell Hotel.
Q. And en route to the Lindell Hotel, he was escorted by a procession, was he not? A. From the landing—Yes.

corted by a procession, was he not? A. From the harding—Yes.
Q. By a procession of benevolent societies? A. I do not recollect what societies they were. It was a very large turn-out, and perhaps most of the societies of the city were represented.
Q. Were you at the Lindell Hotel at all? A. Yes. I was not there when he arrived at the Lindell Hotel.
Q. Were you there when he was received by the Mayor?
A. No. Sir. Q. Were you there when no was received.

A. No, Sir.
Q. You do not know whether the Mayor made him an address of welcome? A. Only from what I saw in the

Q. Now, do you know what the President responded A. I was not present.

Q. What time of the day was it when he got to the Lindell Hotel A. It was in the afternoon. I do not know what time he got to the hotel, for I was not present at his

what time he got to the hotel, for I was not present at his arrival.

Q. Cannot you tell nearly the time? A. It was probably between I and 5 o'clock.

Q. After that did you go with the President from the Lindell Hotel to the Southern Hotel? A. I do not recollect whether I accompanied them from one hotel to the other or not.

Q. He did go from one to the other? A. Yes.

R. There was to be a banquet for him and his suite at the Southern Hotel that night! A. Yes.

Q. At which there was intended to be speaking to him and his min! A. There were to be to the said response.

Q. What time was that banquet to come of? A. I do not recollect the exact hour; I think somewhere about to o'clock.

Q. At the time the President was called upon by the crowd were you waiting for the bahquet! A. When the President was called upon by the crowd I do not thing the banquet was ready; he was in the parlor with the committee and citizens.

Q. The citizens being introduced to him? A. Yes.

Q. Did you hear any portion of his speech on the balcony! A. Only such portlons of it as I could eatch occasionally from the inside; I did not go on the balcony at all.

Q. Could you see on the balcony from where you were!

at all.

Q. Could you see on the balcony from where you were the A. I could see on to the balcony, but I do not know whether I could see precisely where he stood or not.

Q. While he was making that speech, and when he got to the sentence, "I will neither be builted by my enemics nor overawed by friends," was there anybody on the balcony trying to get him back 1 A. I can hardly answer that question as I was not there to see.

Q. You might have seen persons trying to get him off? A. I did not.

Q. You might have seen persons trying to get him on?

Q. Can you tell whether it was so or not? A. I should think that if I could not see it I could not tell.

Mr. BUTLER—I only want to make sure on that point. Witness—I am positive on that point. Laughter.!

Q. Who was on the balcony beside him? A. I suppose the balcony would hold, perhaps, 200 people; there were a great many people there.

Q. Give me the mame of some one of the 200 if you can; name anybody who was there? A. I think Mr. Howe was there. My recollection is that the President walked out with Mr. Howe.

Q. Was Gen. Frank Blair there at any time? A. I do not recollect of it, if he was.

heard a good deal of hoise from the crowd while I was
moving about inside.

MR. GEORGE RNAPP'S TESTIMONY.
GEORGE Knapp sworn, and examined by Mr. Curtis.
Q. Where do you reside! A. In St. Louis.
Q. What is your business! A. I am one of the publishers and proprietors of The St. Louis Republican.
Q. Were you in St. Louis at the time of President Johnson's visit to that city in the Summer of 1866! A. I was.
Q. Were you in the room where the President was! A. I was.

Capt. Able.

Q. You mean the gentleman who has just left the stand!

A. Yes. Sir. I think I said to the President, that he ought
to go out and show himself to the people and say a few
words, at any rate: he seemed fellectant to go out; we
walked out together on the balcony, and he addressed
the assembled multitude.

Q. What was the character of the crowd! was there a
large number! A. I don't think I got far enough on the
balcony to look upon the magnitude of though on the

the assembled quilitude.

Q. What was the character of the crowd! was there a large number! A. I don't think I got far enough on the balcony to look upon the magnitude of the crowd; I think I stayed back some distance.

Q. About what number of people were in the balcony itself! A. I suppose there was probably from fifteen to twenty; there may have been twenty five.

Q. Could you hear from the crowd! A. I could.

Q. What was the character of the proceedings so far as the crowd was concerned! A. do not recollect distinctly; my impressions are that occasionally or repeated questions were apparently put to the President; I do not recollect exactly what they were.

Q. Was the crowd orderly, or otherwise, so far as you could see! A. At times they secured to be somewhat disorderly; but of that I am not very certain.

Cross-examined by Mr. BUTLER.

Q. Did you go out on the balcony at all! A. Yes; I stepped out; it is a wide balcony; perhaps, I2 or 15 feet; it covers the whole of the sidewalk! I stepped out; I think I was probably one, two, or three feet back of the President, part of the time, while he was speaking; there were a number of doors and windows leading of to the balcony, and you could stand in a window or door and hear every word he said!

Q. Did you listen to this speech so that you could hear every word he said!

A. I flatened pretty attentively to the speech while I stayed there, but whether I stayed there during the whole of the time I do not now recollect.

Q. You have told us there were 15 to 20 persons on the

overy word he said i A. I fistened pretty attentively to the speech while I stayed there, but whether I stayed there during the whole of the time I do not now recollect.

Q. You have told us there were 15 to 20 persons on the baicony. A. That is my impression; I am not certain about that.

Q. How many persons would the balcony hold? A. I suppose the balcony would hold 150 people.

Q. Then it was not at all crowded on the balcony! A. I do not recollect whether it was or not. I did not charge my mind, nor do I now recollect; the parlors were full, and I think it very likely that a large number of the people crowded on the balcony to hear the speech; but whether the balcony was crowded or not I do not recollect.

Q. Were you present at the time, so as to remember distinctly when he said, "I will neither be builted by my enemies nor overawed by my friends?" A. I do not recollect that phrase.

Q. Did this confusion in the crowd sometimes prevent him going on, or did it not? A. I think it likely that, it did but I am only speaking from my present impression, as I do not recollect.

Q. Did you hear him say anything about Judas? A. No, sir; I do not recollect it.

Q. Did you hear him say anything about attending to John Bull after a while? A. I have no recollection of the points of his speech.

Q. So far as you know, and all that you know which would be of advantage to us to hear, is that you were present when some citizens asked the President to go out and answer the call of the crowd? A. I cannot say that; some citizens, those present in the parlor, asked him.

Q. While the banquet was waiting? A. Yes, Sir.

Q. What time was the banquet to take place? A. I think at 8 o'clock.

Q. Was it pears o o'clock at that time? A. I think that probably the hour had passed; but it often happens that banquets do not take place exactly at the hour fixed.

Mr. Butler. Happears that this did not. Was that because it waited for the President.

Q. Did you publish that speech next morning in your paper. A. Yes, sir; it was published.

Q

Yes.

Q. While your paper is called The Republican, it is really a Democratic paper, and The Democrat is the Republican paper?

A. The Republican was commenced in early times, for I have been connected with it over 40 years myself, and at the time—

Mr. BUTLER (interrupting)—Excuse me. I don't want to go back 40 years. [Laughter]. Was it in fact a Democratic newspaper at the time the President was there?

A. Yes.

to go back 40 years. [Laughter]. Was It in fact a Democratic newspaper at the time the President was there?

A. Yes.

Q. And The St. Louis Democrat (so called) was really the Republican paper?

Q. In the Democratic paper called The Republican, the speech was published on Sunday and Monday. A. Yes.

Q. Was it over published since? A. No, sir; not to my knowledge.

Q. State why you caused an edition of the speech to be corrected for Monday morning's publication. A. I met our principal reporter—

Mr. BUTLER (interrupting)—Please do not state what took place between your reporter and yourself. I want the facts, not the conversation.

Witness—I gave direction to Mr. Zider, on reading the speech, to have it corrected.

Q. Were your directions followed, so far as you know!

A. I do not recollect as to the extent of the corrections; I never read the speech carefully.

Q. Did you ever complain afterward to any man that the speech, as published in the Monday morning's Republican was not as it ought to have been? A. I cannot draw the distinction between Monday's and Sunday's papers; I have Frepublican on Sunday's whether I spoke of it in reference to Monday or not I do not recollect.

Q. You say that you directed a revised publication on Monday or not I do not recollect.

Monday and that it was published: now did you ever complain to anybody within the next three months after that revised publication was made that that publication was not a true one! A. It is possible that I may have complained on Monday morning if the corrections were not made, but I do not recollect it.

Q. It is possible you did not! A. That, I say, I cannot recollect.

Q. It is possible you did not I A. That, I say, I cannot recollect.

Q. Now will you say that in any important particular the speech, as published in your paper, differed from the speech as put in evidence here I A. I cannot point out a solitary difference, because I have not read the speech as put in evidence here, nor have I read the speech since the morning after it was delivered.

Mr. BUTLER—I will not trouble you any further.

MR. HERRY F. ZIDER'S TESTIMONY.

Henry F. Zider, sworn and examined—Prior to the examination the witness intimated to Mr. Curtis that his hearing is defective.

Mr. CURTIS—Where did you reside in the Summer of 1866 when the President visited St. Louis I A. In St. Louis, Missouri.

1866 when the President visited St. Louis 1 A. In St. Louis, Missouri.

Q. What was then your business 1 A. I was then engaged as a short-hand writer for The Missouri Republican, a paper published in St. Louis.

Q. Had you anything to do with making a report of the speech which the President delivered from the balcony of the Southern Hotel 1 A. I made a short-hand report of the speech, and was authorized to employ what assistance I needed; I employed Mr. Walbridge to assist me; Mr. Walbridge wrote out the speech for the Sunday morning Republican; I went over the speech the same afternoon, and made several alterations for the Monday morning's Republican; I made the corrections from my own notes.

Q. Did you make any corrections except those which you found were required by your own notes? A. There were three or four corrections which I did not then make, but I marked them on the proof-sheet in the counting-room.

Q. With these exceptions, did you make any corrections

but I marked them on the proof-sheet in the countingroom.

Q. With these exceptions, did you make any corrections
except what were called for by your own notes! A.
Those were called for by my own notes, but they were
not in fact made.

Q. Were the other corrections called for by your notes!
A. Oh yes, all of them.

Q. Have you compared the report which you made and
which was published in The Republican of Monday, with
the report published in The St. Louis Democrat. A. I more
particularly compared the report published in the Monday Democrat with The Sunday Republican.

Q. You compared these two! A. Yes; there are about
sixty changes,
Mr. BUTLER—I object to his discribing the character.
Let him state the differences.
Mr. CURTIS—Do you want him to repeat the sixty
differences!
Mr. BUTLER—Certainly, if he can.

ifferences i Mr. BUTLER-Certainly, if he can. Mr. CURTIS-Witness, have you a memorandum of

these differences ! WITNESS—I have. Mr. BUTLER—Before he reads, I should like to know hen it was made. M. CURTIS, to the witness-When did you make this

M. CURTIS, to the witness—When did you make this comparison?

WITNESS—Last Saturday, the 11th of April.

Q. When did you make the memorandum! A. I made the memorandum on the Sunday following.

Mr. BUTLER—Last Sunday! A. Yes, sir.

Mr. CURTIS—For whom did you make the memorandum! A. I was brought here by the Managers and discharged after being here 24 days. I had just returned to St. Louis, when I got a telegraphic dispatch that I was shounded again to appear before the Senate. I then went to in hemblican effice and took the bound files of the Republican and the bound files of the Democrat and in company with Mr. Joseph Monaghay, one of the assistant differences, and comparison of the fapers and noted the differences, and comparison of the fapers and noted the differences, and comparison of the fapers and noted the differences, and compared the differences twice afterward, to see that they were correct. That was on Saturday last. I started for Washington on Sunday afternoon, at 5 o'clock. This paper, which contains these differences.

Q. When was it made? A. Last Saturday.

Q. Was it made at the same time when you made the comparison or at a different time! A. It was made at the same time.

Mr.CURTIS—Now if the honorable Manager wishes to

the same time.

Mr. CURTIS—Now if the honorable Manager wishes to have all those differences, you can read them.

Mr. BUTLER—Stay a moment. Any one which you rely on we wish to have read.

Mr. CURTIS—Merely upon all of them more or less.

Mr. BUTLER—Then all of them more or less must be read.

Mr. BUTLER—Then all of them more of less must be read.

Mr. CURTIS—We should prefer, in order to save time, to give specimens of the differences; but if you desire to have all read you can have them read.

Mr. BUTLER—There is a question back of this; that is, we have not the standard of comparison. This witness goes to The Republican office and there takes a copy, but we cannot tell whether it was the true edition or not or what edition it was, and he compares it with a copy of The Democrat, and having made that comparison he now proposes to put in the result of it. I do not see how that can be evidence. He may state anything which he has any recollection of, but to make the memorandum evidence, and to read the memorandum, is something I never heard of. Let me re-state it. This witness goes to The Republican office, to get The Republican. What Republican I How genuine; what edition it was, except that it was in a bound volume, is not identified. He takes The Democrat, of what edition we do not know, and he compares the two. He then comes here, and attempts to put in the results of a comparison made, in which Monaghan held one end of the matter, and he held the other. Now, can that he evidence!

Mr. CURTIS—I want to ask the witness a question, and them I will make an observation.

To the will make an observation.

Republican, when report in The Democrat.

Feport in The Democrat.

Witness Mr. Walbridge, on Saturday, September 8, Witness Mr. Walbridge, on Saturday morning Republican, 1866; it was published in the Sunday morning Republican, Witness—Mr.

1866: it was published in the Sunday morning reputations of the proceedings in this case to the first of the Sunday Republicas mentions Mr. Walbridge's testimony, in which he states that he made one or two simple corrections for the Monday morning Democrat.

Q. New I wish to inquire whether the report which you saw in the files of The Republican, and which you compared with the report in The Democrat, was the report which Mr. Walbridge made 1 A. Undoubtedly it was.

Mr. CURTIS—It is suggested by the learned Manager, Mr. Chief-Justice—

not read. Mr. CURTIS-We understood you wished to dispense

ith the reading.
The CHIEF-JUSTICE-Let it be read if the Manager desires it.

Mr. BUTLER-I do not desire it.

Mr. EVARTS-Is it to on evidence, Mr. Chief-Justice, pr is it not.

Mr. EVARTS—Is it to so in evidence, Mr. Chief-Justice, or is it not!

The CHIEF-JUSTICE—Certainly it is.

Mr. BUTLER—It may so in for all I care, Sir.

Cross-examined by Mr. BUTLER.

Q. How long have you been troubled with your unfortunate affliction!

Witness—To what do you refer!

Q. I understand you are a little deaf. Is that so! A. I have been stek a great part of this year, and was compelled to come here a month ago, almost before I was able to come, and I have not got well yet.

Q. Did you hear my question! How long have you been deaf, it you are deaf at all! A. I have been deaf for the last two years. deaf, it you are deaf at all ! A. I have been deaf for the last two years.

Q. About what time did it commence! A. I do not

Q. About what time did it commence? A. I do not recollect.
Q. You know when you became deaf, do you not? A. I know I was not deaf when you made your St. Louis speech in 1806.
Q. That is a very good date to refer to, but suppose you try it by the almanae? A. That was in October, 1806.
Q. How soon did you become deaf after that? A. Probably about a month. [Laughter.]
Q. You are quite sure you were not deaf at that time? A. I am quite certain, because I know I heard some remarks which the crowd made, and which you did not hear. [Laughter.]
Q. I have no doubt you heard much better than I did, but suppose we confine ourselves to this matter? You say that about a month after that you become deaf? A. Partially. I recovered from that again, and took sick again.

Partially. I recovered from that again, and took sick again.

Q. Have you your notes of the President's speech? A. No. Sir.

When did you see them last? A. The last recollection I have of them, was when Mr. Walbridge was summoned to give his testimony, before the Reconstruction Committee, on the New-Orleans riots.

Q. Did you or he then go over that speech together?

A. We went over only a part of it.

Q. The part that referred to New-Orleans? A. Yes.

Q. Was there any material difference, between you and him, when you had your notes there together, in that part of the speech? If so, state what? A. There was.

Q. What was it? A. He asked me to compare notes with him—

him—
Mr. BUTLER-Excuse me, I am not asking what he said; I am asking what difference there was between that report and his report, on that comparison, and what the material difference was.

Mr. EVARTS-I submit, Mr. Chief-Justice, that, as the

material difference was.

Mr. EVARTS—I submit, Mr. Chief-Justice, that, as the Manager has asked a precise question, what the difference was, on that comparison i' the witness should be permitted to state what it was, and how it areas. I have not asked any difference; that arose between the witness and Mr. Walbridge; far be it from me to go into that. I have asked what difference there was between the reflicted of the speech.

Mr. CURTE—As it appeared from that comparison?

Mr. BUTLER—As I found at that time.

Witness—I was going on to answer, and if the gentleman will have patience a few moments I will answer.

Mr. CHIEF-JUSTICE—The witness will confine himself entirely to what is asked, and make no remarks.

Witness. We proceeded to compare the speech relating to the New-Orleans riots; Mr. Walbridge read over his notes and I looked over mine; when he came to this passage, when you read the speeches that were made, or picked up the facts you will find the speeches were made; I called Mr. Walbridge's attention to these words qualifying the sentence, "if the facts are asstated," heireplied to me, "Oh! You are mistaken. I know I am right," and he went on. As he was summoned to answer to his own notes, and not to mine, I did not argue the question further but let him go on.

Q. What other difference was there! Witness. In the New-Orleans matter!

Mr. BUTLER—Yes.

further but let him go on.

Q. What other difference was there! Witness. In the New-Orleans matter!

Mr. BUTLER—Yes.
Witness. The President referred to the Convention which had been called in New-Orleans, and which was extinct by reason of its power having expired! the words, "by reason of its power having expired! were in my report and were not in Mr. Walbridge's.

Q. Was there any other differences! A. No other. Mr. Walbridge proceeded with his report of the matter with reference to the New-Orleans rlots. The latter part of the report was not compared at all nor was the first part. Q. Have you the report as it appeared in! The Republican of the Monday before you! A. I have.

Q. Let me read a few sentences and tell me how many errors there are in this that was put in evidence here.

"Failow-Ornans of St. Lovis: In teing introduced to you to sight, it is not for the purpose of making a speech. It is true I am ground to meet so many of my fellow-cillsens here on this occasion, and under the favorable circumstances that I do. (Cry. Here sheat British subjects!) We will attend to John Bull after awhile, so far as that is conference. [I have just stated that I was not here for the purpose of making a speech."

Witness, interrupting—The President said, "I am not here."

Mr. BUTLER—Then the difference is between the word that the

Witness, interrupting—The President said, "I am not here."

Mr. BUTLER—Then the difference is between the word "was" and the word "am." Do you know that the President used the word "am." Do you know that the President used the word "am." Instead of "was." A. Of course I do.

Mr. BUTLER, continuing to read:

"But after being introduced simply to tender my cordial thanks for the welcome you have given me in your midst. [A voice, "Teu thousand welcomes." Hurrain and cheers.] Thank you, Sir. I wish it was in my power to address you under favorable circumstances, apon some of the questions that agistate and distract the public mid at it his time."

Witness, interrupting—The word was "which" agitate, &c.

Mr. BUTLER (continuing to read):

"Questions that have grown out of the fery ordeal we have just passed through, and which I think as important as those we have just passed by. The time has come when it seems to me that all eight to be prepared for passe. The Rebellion being suppressed, and the shedding of blood being stopped, the sacrifice of life being suspended and stayed, it seems to me that the time has arrived when we should have peace, when the bleeding atteries should be tied up." [A voice, "New-Orieans," "Go on."]

Q. So far all is right except the two corrections you have made? A. Yes, Sir! I wish to make a correction at the New-Orieans part.

Mr. BUTLER—Why should you wish any thing about it? Witness—You were proceeding to make a correction, and when you came to that New-Orieans part you stopped.

and when you came to that keepston of the speech:
Mr. BUTLER—I will take this portion of the speech:
"Judas Judas Interrupting—There is one Judas once—"
Witness, interrupting—There is one Judas too much
there. !f.aughter.]
Mr. BUTLER—You are sure that he did not speak
"Judas" four times! A. Yes, Sir.
Q. How many times did he speak "Judas"! A. Three

Q. How many times did he speak "Judas" ! A. Three times.
Q. In the report that is in evidence, those words are its litersed, are they not, and stretched out!
Mr. BUTLER—Two of the "Judases" are spelt with the last sylable "aas." Do you mean to say that the President spoke that part with emphasis! A. I mean to say that he did not speak them in that way.
Mr. BUTLER continuing to read:
"There was a Judas ence, one of the 12 Apostles. Oh! yes, and these 12 Apostles had a Christ, (A Velce—And a Moses too.) (Great langhter.) The 12 Apostles had Christ, and he could not have had a Judas unless he had had 12 Apostles."
Mr. BUTLER—So far it is right?
Witness—Yes. Not stretched out.
Mr. BUTLER—Yes, Sir, stretched out.
Witness—Is there any other question you would like to ask me! [Laughter.]
Mr. BUTLER (continuing to read):
"The 12 Apostles had a Christ, and he could not have had a Judas unless he had 12 Apostles. If have played the Judas who has been my Christ that have played the Judas who has been my Christ that have played the Judas who has been my twenty that have played the Judas who

wen'! Witness—The word "that" should be "who."
Mr. BUTLER—Is that a fair specimen of the 60 corrections you have made!
Witness—There are four in the next three lines.
Mr. BUTLER—Answer the question. Is that a fair specimen of the 60 corrections!
Mr. EVARTS—Mr. Chief-Justice, I suppose the corrections, the whole of which are put in evidence, will show all this. all this.

Mr. BUTLER-I am cross-examining the witness, and.

I prefer that the witness shall not be instructed.

Mr. EVARTS-It is not instructing the witness. We thought it would save time by putting in the memorandum. Whether this is a fair specimen or not, as compared with the whole paper, will appear from a comparison by the Court.

Mr. BUTLER-I am testing the witness's credibility, and I do not care to have him instructed.

Mr. BUTLER—I am testing the witness's credibility, and I do not care to have him instructed.

The CHIEF-JUSTICE—If the question is objected to, the honorable Manager will please put it in writing.

Mr. EVARTS—It is not a question of credibility, it is a matter of judgment between the two papers, whether one is a fair specimen of all.

Mr. BUTLER, to the witness—I ask whether the corrections you have made in answer to my questions are of the same average character as the other sixty corrections?

Mr. EVARTS—We object to the question. It requires a Mr. EVARTS-We object to the question. It requires a

Mr. EVARTS—We object to the question. It requires a reexamination of the whole subject.

Mr. BUTLLER—Well, I will pass from that rather than take up the time. Mr. Witness, you told us that in the next three lines there were corrections. I will read the next four lines:

In the days when there were aposites, and when there were a Christ, while there were Judasses there were unbelievers. [Volces-Bear] Three grouns for Fietcher I Yes, ob, yes! subelievers in Christ.

Witness—The word "weye" is spelled four times "ware," and the first time it should be "was."

Mr. BUTLER—Then your corrections are all on questions of pronunciation and grapimar.

Witness—The President did hot use the words you say. The President did not pronounce the word "were" broadly, as is sometimes the Southern fashion. I say he did not use the word as used in that paper.

Q. Did he not speak broadly the word "were" when he used it! A. Not so that it could not be distinguishabe from "ware."

from "ware."

Q. Then it was a question of how you spell and pronounce that you corrected ! A. The tone of voice could not be represented in print.

Q. And you think that "were" better represents his tone of voice! A. Yes, Sir, although it cannot be represented in print.

tone of voice! A. Yee, Sir, although it cannot be represented in print—yes.

Q. Now, Sir, with the exception of corrections in pronunciation and in grammar, is there any correction of the report as printed in The Democrat on Monday, on comparison with the report of The Republican! Witness—Of what day!

Mr. BUTLER—The Republican of Sunday or Monday. I repeat with the expeption of corrections of grammar and pronunciation, is there any other correction in substance between the reports as printed that morning, between the Monday Republican and the Monday Democrat? A. Yes, Sir.

between the reports as printed that morning, between the Monday Republican and the Monday Democrat? A. Yes, Sir.

Q. What are they? A. One is, "Let the Government be restored: I have labored for it: I am for fit now. "The words "I am for it now" are emitted in The Democrat, and there is a change in the punctuation in the commencement of the next sentence.

Q. What else is there? A. Speaking of the Neutrality law, he says: "I am sworn to support the Constitution and to execute the law." Some one hallooed out, "Then why did you not do it." He answered, "The law was executed." These words, "why did you not do it," and "the law was executed." are omitted in The Democrat.

Q. What else, in substance, is omitted? A. I do not know that I can point out any other without the memo-

in substance—not grammar, not punctuation, not pro-nounciation. The witness, after examining the memoran-dum, stated that in one sentence the word "sacrificed" was used in The Democrat report, the proper word being

Mr. BUTLER to the witness—well, I will not trouble you further. Witness—I will point out more.

Mr. BUTLER—That is all, Sir.

JOHN ADAMS'S COMMISSION AS LIEUTENANT-GENERAL.

Mr. CURTIS—We offer in evidence this document. It is the commission issued by President Adams to Gen.

Washington, constituting him Lieutenant-General of the Army of the United States. The purpose is to show the

Army of the United States. The purpose is to show the form in which commissions were issued at that day to high military officers. It is the most conspicuous instance in our history as regards the practice.

Mr. BUTLER—There were two appointments made to Gen. Washington. Was this the one accepted by him, or the one rejected?

Mr. EVARTS—We understand it is the one actually issued to him.

sued to him.

Mr. BUTLER—And accepted I
Mr. BUTLER—We understand so.
Mr. BUTLER—We have no objection.
The paper was read.

Mr. EVARTS—We understand so.
Mr. BUTLER—We have no objection.
The paper was read.
OTHER DOCUMENTARY EVIDENCE.
Mr. CURTIS—We next offer a document from the Department of the Interior, showing removals of Superintendents of Indian Affairs, of Indian agents, Land officers, Receivers of public moneys, Surveyor-Generals, and certain miscellaneous officees. It shows the date of the removal and the name of the officer, the office he held, and it also contains memoranda showing whether removed during the recess or during the session of the Senate.
Mr. BUTLER—Mr. President, I have one objection to this species of evidence without anybody brought here to testify to it, and that is this: I have learned that in the case of the Treasury Department, which I have allowed to go in without objection, there are other cases not reported where the power was refused to be exercised, and I do not know whether it is so in the Interior Department or not. But most of those examined by us are simply under the law fixing their tenure during the pleasure of the President for the time being, and some of them are inferior offices, originally made by the War Department, but if the counsel for the President think they have any bearing, we have no objection.

Mr. CURTIS said he had not had an opportunity to examine them minutely, but he understood that many of them held office under a fixed tenure. It might be a matter of argument hereafter.

Mr. BUTLER—What class of officers do you speak of 1

ter of argument hereafter.

Mr. BUTLER-What class of officers do you speak of i
Mr. CURTIS-Receivers of public moneys is one of the

Mr. CURTIS—Receivers of public moneys is one of the classes.
Senator JOHNSON—What is the first date of removal?
Mr. CURTIS—I think they extend through the whole period of existence of that Department. I do not mean the date when the Department was established, but I think they run through the whole of it.

MR. FREDERICK W. SEWARD'S TESTIMONY.
Frederick W. Seward sworn on behalf of respondent.
Examined by Mr. CURTIS:
Mr. Seward, will you please to state the office you hold under the Government! A. Assistant Secretary of State.
Q. How long have you held that office! A. Since March, 1861.
Q. In whose charge in that Department is the subject of consular and vice-consular appointments! A. Under my charge.
Q. Please to state the practice of making appointments of vice-consula, in the case of death, resignation, inca-

of vice-consuls, in the case of death, resignation, inca-pacity, or absence of consuls! A. Usually consuls. Mr. BUTLER—Is not that regulated by law! Mr. CURTIS—That is a matter of argument; we think

Mr. BUTLER-So do we.
Mr. CURTIS-I want to show the practice under the law, just as we have done in the other cases. I have the document here, but it requires some explanation to make

Mr. CURTIS—I want to show the practice under the law, just as we have done in the other cases. I have the document here, but it requires some explanation to make it intelligible.

To the witness—When a vacancy has not been foreseen the consul nominates a vice-consul, who enters upon the discharge of his duties at once at the time at which the nomination is sent to the Department of State. The Department approve or disapprove of the nomination, in case the vacancy has not been foreseen; and if the consul is dead, absent, or sick, or unable to discharge the duties, then the minister of the country may make a nomination to the Department of State; or, if no minister, the naval commander not unfrequently makes a nomination and sends it to the Department of State, and the vice-consul so designated acts until the Department approve or disapprove. In other cases the Department has often designated a vice-consul without any previous nomination from either consul, minister or naval commander, and he enters upon the discharge of his duties in the same manner, how is he authorized or commissioned?

A. He receives the certificate of his appointment signed by the Secretary of State.

Q. Running for a definite time, or how? A. Running subject to the restrictions provided.

Q. Is this appointment of vice-consul made temporarily to fill a vacancy, or how otherwise? A. It is made to fill the office during the period which clapses between the time it takes for the information to reach the Department and a successor to be appointed.

Q. That is, for a sunceeding consul to be appointed? A. Yes, Sir.

Q. Sometimes weeks or months may clapse before a newly-appointed successor can reach the place. It is then an ad interim appointment to fill the vacancy? A. Yes, Sir.

Q. Are not the appointment in fill the vacancy? A. Yes, Sir.

Q. Are not the appointment made under the 15th section of the act of August 11, 1855—August 18, 1851; 11 A. I think you are right, Sir—August 18, 1851; 11 A. I think you are right, Sir—August 18, 1851; 11 A.

Mr. CURTIS—I now offer from the Department of State this document, which contains a list of the consular officers appointed during the session of the Senate when vacancies existed at the time such appointments were made. The earliest instance was in 1837, and they come down to about 1862, lif I remember right.

Mr. BOUTWELL—I wish to call the counsel for the respondent to the fact that it does not appear from these papers that these vacancies happened during the recess of the Senate. It merely states that they were filled during the session of the Senate. and the senate of the Senate. The purpose is to show that these temporary appointments were made to fill vacancies during the cession of the Senate.

on of the Senate.

Mr. BOUTWELL -I give notice that we propose to conder these as cases happening during the recess of the Mr. BOUTWELL.—We do not know anything that.

Mr. EVARTS—The certificate is to that effect; filled during the session of the Senate.

Mr. BOUTWELL—We do not object to the paper. I only gave notice how we propose to consider it,

SECRETARY WELLES'S TESTIMONY.

Gideon Welles sworn on behalf of the respondent, and examined by Mr. EVARTS.

Mr. Welles you are now Secretary of the Navyt A.

Ven. Sir.

Yes, Sir.

Q. At what time, and from whom did you receive that appointment † A. I was appointed in March, 1861, by President Lincoln.

Q. And have held the office continually until now † A. From that date. From that date.

Q. Do you remember on the 21st of February last your attention being drawn to some movements of troops or military officers? A. On the evening of the 21st of February my attention was called to some movements that

were made then.

Q. How was that brought to your attention! A. My son brought them to my attention; he had been attending a party, and an order came to the party requiring all officers under the command of Gen. Emory to repair forthwith to headquarters. Q. Did you, in consequence of that, seek or have an in-terview with the President of the United States 1. A. I requested my son to go over that evening or the following day.

day.

Mr. BUTLER—Stop a moment.

Mr. EVARTS—You attempted to send a message at that time † A. I did; on Saturday, the 22d, I west myself, about noon, to see the President on this subject; I told him what I had fiberd, and asked him what it

meant.

Mr. BUTLER—We object to that conversation, and before we go to the objection, I would like to ask the witness to fix the time a little more correctly.

Witness—About 12 o'clock on the 22d of February.

Q. How close to 12 o'clock—before or after A. I should think it was a little before 12 o'clock; I will state a little circumstance or two; the Attorney-General was there when I went in, and while I was there the nomination of Mr. Ewing was made as Secretary of War, and was delivered to the Private Secretary, to be carried to the Senate.

livered to the Private Secretary, to be carried to the Senate.

Mr. BUTLER—Stop a moment.

Mr. EVARTS—It is not time for cross-examination new.

Mr. BUTLER—It is in order to ascertain whether it is admissible.

Mr. EVARTS—It is quite immaterial.

Mr. BUTLER (to witness)—You think it was very near 12 o'clock; could it have been as early as half-past eleven?

A. No Sir, I don't think it was.

Q. Between that time and half-past tweive, some time?

A. Yes, Sir.

Mr. EVARTS—What passed between you and the President after you had made that statement to him with reference to that communication?

Mr. BUTLER asked to have the question put in writing, which was done. Mr. BUTLER asked to have the question put in writing, which was done.

Mr. EVARTS—I will state that this evidence is offered in reference to the articles that relate to the conversation between the President and Gen. Emory.

Mr. BUTLER—That is precisely as we understand it; but we also understand the fact to be that Gen. Emory was sent for before Mr. Welles appeared on the scene. I am instructed by my associates to say that we are endeavoring to get the matter settled that Gen. Emory received a note to come to the President at 10 o'clock in the morning: that he got there before the Socretary of the Navy. That we cannot at this moment ascertain, but it does not appear that this conversation was before Gen.

Mr. EVARTS—That is a matter of proof which is to be considered when it is all in, as to which is right on our side, and which on theirs.

onsidered when it is all in, as to which is right on our ide, and which on theirs.

Mr. BUTLER—The proof of what was said in the concernation is not to be considered as proof of which was

Mr. BUTLER—The proof of what was said in the conversation is not to be considered as proof of which was right on the facts, for I suppose my learned opponent would not claim that if this was after Gen. Emory came there, they could put in the evidence.

The CHEF-JUSTICE considered the evidence competent, and no Senator raising a question, it was admitted. The question was again read.

Witness—I cannot repeat the words; I should think the words of the President were: "I don's know what Emory means," or "I don's know what Emory is about;" I remarked that I thought he ought to know that when he was sending for his officers at such a time it must be for some reason; he hesitated somewhat; we had a little conversation; I think he said he would send for him.

Mr. EVARTS—I will call your attention to the 21st of February, at the close of the Cabinet meeting, on that day? At what hour was the Cabinet meeting held on that day?

day!

Witness—At 12 o'clock, the regular hour.

Q. That is the usual hour, and that is the usual day of the Cabinet meeting! A. Yes, Sir.

Q. Did you at that time have any interview with the President of the United States at which the subject of Mr. Stanton's removal was mentioned! Answer, yes or no. A. I did.

At about what hour of the day was that 1 A. About 20 clock.
Q. Had you, up to that time, heard of the removal of Mr. Stanton! A. I had not; I was told before I left.
Q. And after the Cabinet meeting was closed this interview took place at which this subject was mentioned! A. The President remarked—
Mr. EVARTS (interrupting)—No matter. State whether it was A. It was

it was. A. It was. Q. What passed between you and the President at that time! Mr. BUTLER objected.
On motion, the Senate then took a re

Mr. BUTLER objected.
On motion, the Senate then took a recess of 15 minutes.

After recess, the examination of Secretary Welles was continued by Mr. Evarts.

Q. Did the President make any communication to you on this decision concerning the removal of Mr. Stanton and the appointment of Gen. Thomas—answer yes or no f. A. Yes, he did.

Q. Was this before this Cabinet meeting had broken up, or at what step of your meeting was it! A. We had got throtign with our department business, and were about separating, when the President remarked—
Mr. EVARTS, interrupting—Who were present? A. I believe all were present, unless it was Mr. Stanton.
Mr. EVARTS—Now, I offer to prove that on this occasion the President communicated to Mr. Welles and the other members of the Cabinet, before the meeting broke up, that he had removed Mr. Stanton and appointed Gen. Thomas Secretary of War ad interim, and that upon the inquiry by Mr. Welles whether Gen. Thomas was in possession of the office, that the President replied he was, and upon further question of Mr. Welles whether Mr. Stanton acquiesced, the President replied that he did; all that he required was time to remove his papers, Mr. BUTLER—I want to call the attention of the counsel to this question: I understand Mr. Welles that it was when they had got through with what he calls their Department business, and before the act of breaking up, that the President made that communication.

Mr. BUTLER objected that according to the exist.

was after the Cabinet meeting broke ig.

Mr. EVARTS—No; I have put that according to the fact calls their Department had got through with what he calls their Department business, and before the act of breaking up, that the President made that communication.

Mr. BUTLER objected that it could not be evidence. He said that it was now made certain that this act was done without any consultation of his Cabinet by the President, either verbaily or otherwise. The President had no right to consult his Cabinet except by the constitutional method. Jefferson had taken the same like he fore the Senate. The Constitution produces, required the President when the limiter had been declared unsposes, required the President when so that it might appear for all time what during was a that it might appear for all time what during was that it might appear for all time what during was that it might appear for all time what might made in the trais of impeachment of modern of the Cabinet to put in the fact of the advice of the Cabinet to each other. That was exploded in the Earl of Danbury's case. That question had been settled then so that it should not arise theresafter. He was glad to learn that the President was solely responsible, and acted upon his sole responsibility, without the advice of his cabinet to each other. That was exploded in the Earl of Danbury's case. That question had been settled then so that it should not arise theresafter. He was glad to learn that the President was solely responsible, and acted upon his sole responsibility, without the advice of his cabinet he president was solely out to accept the president was solely out. This was not an attempt to take the advice of Mr. Weller, but to inform him and the rest of the Cabinet, which had done, and that after the Cabinet meeting, while they were politically and the president was a contract of the president w

See Seventh Page.